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OFFICE OF PETITIONS

In re Application of
Vaishnav Srinivas et al.
Application No. 10/825,481
Filed: April 14, 2004
Attorney Docket No. 030333

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 29, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 20, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed November 20, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 21, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

The application became abandoned for failure to timely pay the issue fee and publication fee. In an application or patent abandoned or lapsed for failure to pay the issue fee and publication fee, or any portion thereof, the required reply must be the payment of the issue fee and publication fee, or any outstanding balance thereof. *See* MPEP 711.03(c)(III)(A)(1). Therefore, the filing of

a Request for Continued Examination without payment of the issue fee and publication fee is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1).


Further correspondence with respect to this matter should be addressed as follows:

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By hand: U. S. Patent and Trademark Office
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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6052 or in his absence, the undersigned at (571) 272-7099.


David Bucci
Petitions Examiner
Office of Petitions